IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6537 OF 2007

Sambhaji Appaso Kadam ....Petitioner
V/s
Grampanchayat Hupari & Ors..... ....Respondents.

Mr.A.G.Damle, Adv. For the petitioner.

Mr.T.S.Ingale, Adv. For respondent Nos. 1 & 2.

Mr.H.S.Venegavkar, Adv. For respondent No.3.

CORAM: A.P.DESHPANDE, J.
10/9/07

PC:

The present petitioner is original plaintaiff who instituted a suit against the gram panchayat and a society and sought temporary injunction with a view to restrain the society from interfering with the possession of the plaintiff over the suit plot. The trial Court rejected the temporary injunction application and the First Appellate Court has concurred with the view taken by the trial Court by dismissing the Misc. Civil Appeal filed by the present petitioner. Record reveals that sometime in the year 1965 the Collector passed an order under section 51 of the Bombay Village Panchayat Act where under an area of 16 acres of gaothan was permitted to be sold to `Beghar Sangh' through the gram panchayat for construction of houses for the members of the said Sangh

with the condition of non-alienation and impartiable tenure. The Beghar Sangh prepared a lay out plan and the said lay out comprised of 356 plots each being of 1500 sq.ft. The present petitioner claims possession of land admeasuring 2400 sq. ft but could succeed in establishing his title and possession in respect of plot admeasuring 1500 sq. ft. The case of the defendant No.3 is that the gram panchayat allotted the suit plot to 3rd defendant and the said plot of land falls outside the plots of Beghar Sangh. On consideration of this factual position both the Courts have held that the petitioner has failed to establish prima facie case for grant of temporary injunction. Perused the orders. Same do not call for interference. Hence writ petition is summarily dismissed.

10.9.07